

REMARKS

This is a full and timely response to the final Office Action mailed July 26, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-5, 8-10, 12, 14, and 16-23 remain currently pending in the present application. Specifically, claims 2-5, 10 and 12 are unamended original claims; claims 6, 7, 11, 13 and 15 have been canceled without prejudice, waiver or disclaimer; claims 17-20 have been previously presented; claims 1, 8, 9, 14 and 16 have been currently amended with no addition of new matter; and claims 21-23 newly submitted with no addition of new matter. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

A. Allowable subject matter

Applicants wish to place on record their sincere gratitude for Examiner's indication of allowability of claims 5, 8-13, 17 and 20 (dependent claims from claim 1) as well as claim 16 (dependent claim from claim 14), subject to compliance with claim objections noted in the current Office action.

Response to Examiner's indication of allowability

Claim 16

Examiner has indicated allowability of claim 16 (dependent of claim 14), whose sole feature stated: "*the second percentage is less than the first percentage*," subject to rewriting claim 16 in independent form. Applicants have currently amended independent claim 14 to include this feature, thereby complying with the Office action recommendation. As a result, Applicants respectfully request allowance of claim 14.

Furthermore, Applicants have currently amended claim 16 to include a different aspect of the invention. Claim 16 is allowable because of its dependency to allowable claim 14. Therefore, Applicants respectfully request allowance of claim 16 as well.

Claims 5, 8-13, 17 and 20

Currently amended independent claim 1 includes: "*the second percentage is less than the first percentage*." Applicants respectfully submit that claim 1 is now allowable. Because claim 1 is allowable, dependent claims 5, 8-13, 17 and 20 are also allowable because of their

dependency to claim 1. Applicants respectfully request allowance of dependent claims 5, 8-13, 17 and 20 as well as independent claim 1.

B. Claim rejections under 35 U.S.C. § 102(a)

Statement of the Rejection

Claims 1-4, 6, 18 and 19 are rejected under 35 U.S.C. §102(a) as being anticipated by McNulty et al. (U.S. Patent 6,686,676).

Response to the Rejection

Claim 1

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. Applicants respectfully assert that claim 1 is allowable for at least the reason that the cited prior art of McNulty fails to disclose “a first encapsulant comprising a first percentage of a first light reflecting substance,” together with a “second encapsulant comprising a second percentage of a second light reflecting substance, *the second percentage being less than the first percentage.*” It may be relevant to point out that the Office action has indicated allowability of original method claim 16, which recited: “second percentage is less than the first percentage.” This aspect is now incorporated into currently amended device claim 1.

For at least the reason mentioned above, Applicants respectfully assert that claim 1 is allowable and hereby request withdrawal of the rejection under U.S.C. §102(a), followed by allowance of claim 1.

Claims 2-4, 18 and 19

Because claim 1 is allowable, claims 2-4, 18 and 19 that depend directly or indirectly on claim 1 are also allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Applicants respectfully request withdrawal of the rejection, followed by allowance of claims 2-4, 18 and 19.

Claim 6

Claim 6 has been currently canceled without prejudice, disclaimer or waiver. Consequently, Applicants respectfully assert that the rejection of claim 6 has been rendered moot.

C. Claim Rejections under 35 U.S.C. §103(a)

Statement of the Rejection

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNulty et al. (6686676).

Response to the Rejection

Applicants respectfully draw attention to MPEP 706.2(j) *Contents of a 35 U.S.C. 103 Rejection*, which provides several guidelines for rejecting a claim under 35 U.S.C. 103(a), and recites in pertinent part:

To establish a *prima facie* case of obviousness, **three basic criteria must be met**. First, there must be some **suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, **to modify the reference** or to combine reference teachings. Second, there must be a **reasonable expectation of success**. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.
(Emphasis added)

Comments related to MPEP 706.2(j) are presented below.

Claim 14

Applicants respectfully assert that a rejection of claim 14 under 35 U.S.C 103(a) would be improper because a *prima facie* case of obviousness cannot be established for such a rejection.

Specifically, the first criterion related to MPEP 706.2(j) cannot be satisfied because the cited prior art of McNulty does not provide a suggestion or motivation to modify McNulty in a manner that would anticipate Applicants' claim 14.

Furthermore, the third criterion (vis-à-vis "must teach or suggest all the claim limitations") cannot be satisfied because the cited prior art of McNulty does not at least disclose: "*placing a second encapsulant above the first encapsulant, the second encapsulant comprising a second percentage of a second light reflecting substance, the second percentage being less than the first percentage.*"

For at least the reasons mentioned above Applicants respectfully submit that claim 14 is allowable and hereby request withdrawal of the rejection followed by allowance of claim 14.

Claim 15

Claim 15 has been currently canceled with no prejudice, disclaimer or waiver. Consequently, Applicants respectfully assert that the rejection of claim 15 has been rendered moot.

D. Additional remarks

The current Office action (mailed July 26, 2006) fails to address claim 7, which had been rejected in an earlier Office action. Applicants had submitted a response to the earlier rejection wherein an explanation was provided as to why claim 7 was allowable. Specifically, the explanation included remarks related to use of the word “percentage” in the claim.

Applicants presume that the explanation provided was satisfactory because the current Office action fails to acknowledge Applicants’ remarks. Unfortunately, the Office action also fails to disclose the current status of claim 7. Nonetheless, Applicants have currently canceled claim 7 thereby rendering moot any rejection of the claim.

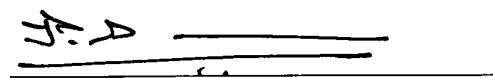
Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 1-5, 8-10, 12, 14, and 16-23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (404) 610-5689.

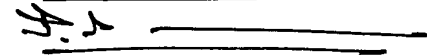
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on **22 September 2006**.



Signature
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